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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 919,595	07 31 2001	Ashish K. Khandpur	56784US002	2530

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04.09.2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/919,595	Applicant(s) KHANDPUR ET AL.	
	Examiner Victor S Chang	Art Unit 1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10, 12-16.

Claim(s) withdrawn from consideration: 17-21.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached information regarding the proposed amendment(s) and the status of the application.

NOTE

1. With respect to the amended claim 1, which now incorporates the limitation of cancelled claim 11, Applicants argue that "In particular, Applicants have created a pressure sensitive foam composition that requires less crosslinking than prior foam compositions, or even crosslinking, while having favorable high temperature performance" (Response, page 3, first complete paragraph), the Examiner reiterates (see section 5 of Paper No. 11) that Hansen teaches that melt blending of a polyphenylene ether resin and a styrene-diene block copolymer forms adhesive compositions with improved high temperature performance characteristics (column 2, lines 40-46). As such, in the absence of unexpected results, it is known that the high temperature performance is inherent to the composition (i.e., a mixture styrenic block copolymer and polyarylene oxide). If further prosecution, i.e., a CPA or RCE, is contemplated, the Examiner would like to strongly urge Applicants provide Declaration(s) which shows a comparative study to illustrate that "gel content" is a distinct limitation which differentiate the instant invention from US '152. Declaration should be made by a relatively disinterested person such as, e.g., a customer.
2. Applicants' argument that US '152 cannot be processed at higher screw temperature, and "doing so according to the teachings of the '152 patent would result in the collapse of expanded polymeric microspheres used to make the foam" (Response, pages 4-5, bridging paragraph) is not understood. First, Applicants have not pointed out

inherent. Second, it should be noted that the collapsing temperature of the microspheres is related to the selection of the polymeric microspheres, which is clearly unrelated to the viable melt processing temperature of the styrenic block copolymer/polyarylene oxide blend.

3. Regarding newly amended claim 13, it is noted that the newly incorporated limitation essentially duplicates the limitation of dependent claim 14. As such, the Examiner suggests claim 14 should be cancelled. Although it may well be a "new issue", the amendment to claim 13 has been entered, so as to expedite possible future prosecution. It is, however, noticed that except for the performance parameter of claim 13, claim 1 and 13 would essentially be duplicates of one another.

Finally, the Examiner takes Official notice that the use of a plurality of microspheres in a foamed pressure sensitive adhesive article is old and well known.